

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

TENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 21, 2009

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Clark, Eskridge. Total – 2.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Breanna Fuechsel,  
Page.

### Approval of Journal

January 21, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Ninth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

### Report of Standing Committees

January 21, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 1](#), [H 2](#), [H 3](#), [H 4](#), and [H 5](#).

CLARK, Chairman

[H 1](#) was referred to the Business Committee.

[H 2](#) was referred to the Ways and Means Committee.

[H 3](#) and [H 5](#) were referred to the Revenue and Taxation Committee.

[H 4](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

#### HOUSE CONCURRENT RESOLUTION NO. 6 BY STATE AFFAIRS COMMITTEE

##### A CONCURRENT RESOLUTION

REJECTING THE RATES OF COMPENSATION AND EXPENSES FOR MEMBERS OF THE LEGISLATURE FIXED BY THE CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION FOR THE TWO YEAR PERIOD COMMENCING DECEMBER 1, 2008, AND PROVIDING THAT THE RATES OF COMPENSATION AND EXPENSES IN EFFECT DURING THE FIFTY-NINTH IDAHO LEGISLATURE ARE CONTINUED IN FULL FORCE AND EFFECT AND PROVIDED THAT COMPENSATION AND EXPENSES THAT WERE IN EFFECT FROM DECEMBER 1, 2008, UNTIL THE EFFECTIVE DATE OF THIS RESOLUTION SHALL HAVE BEEN IN EFFECT FOR THAT PERIOD AND ANY AMOUNTS PAID SHALL HAVE BEEN PAID LAWFULLY AND NEED NOT BE RECOVERED OR REPAYED BY MEMBERS OF THE LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with the authority to reject or reduce rates of compensation and expenses established for service as members of the Legislature by the Citizens' Committee on Legislative Compensation pursuant to the provisions of Article III, Section 23, of the Constitution of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the rates of compensation and expenses for services to be rendered by members of the Legislature during the two year period commencing December 1, 2008, that were fixed by the Citizens' Committee on Legislative Compensation on June 20, 2008, be, and the same are hereby rejected, and the rate of compensation and expenses in effect during the Fifty-ninth Idaho Legislature are continued in full force and effect with the exception of the compensation and expenses that were in effect from December 1, 2008, until the effective date of this resolution shall have been in effect for that period and any amounts paid shall have been paid lawfully and need not be recovered from or repaid by members of the Legislature.

[HCR 6](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

#### Introduction, First Reading, and Reference of Bills and Joint Resolutions

#### HOUSE BILL NO. 6 BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

##### AN ACT

RELATING TO THE BUNKER HILL CLEANUP SITE; AMENDING SECTION 39-107A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN REAL PROPERTY OR INTERESTS IN SUCH PROPERTY ASSOCIATED WITH THE BUNKER HILL CLEANUP SITE.

**HOUSE BILL NO. 7**  
**BY ENVIRONMENT, ENERGY, AND TECHNOLOGY**  
**COMMITTEE**

AN ACT

RELATING TO PROCESSING OF PERMITS, APPLICATIONS, SITING REPORTS AND STUDIES FOR ELECTRIC TRANSMISSION FACILITIES; AMENDING CHAPTER 5, TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 61-516, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION SHALL DETERMINE WHETHER AN APPLICATION TO CONSTRUCT ELECTRIC TRANSMISSION FACILITIES SHOULD BE DESIGNATED AS A PRIORITY PROJECT, TO REQUIRE STATE AGENCIES TO TIMELY COMPLETE THEIR REVIEW OF APPLICATIONS TO CONSTRUCT ELECTRIC TRANSMISSION FACILITIES, TO PROVIDE FACTORS FOR THE COMMISSION UPON WHICH TO BASE ITS FINDINGS AND TO PROVIDE FOR PROCEDURES AND RULES.

**HOUSE BILL NO. 8**  
**BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO MOTOR FUELS TAXES; AMENDING SECTION 63-2425, IDAHO CODE, TO PROVIDE A CIVIL PENALTY FOR PROHIBITED USE OF DYED FUEL OR OTHER UNTAXED FUEL ON A HIGHWAY; AND AMENDING SECTION 63-2434, IDAHO CODE, TO PROVIDE THAT CERTAIN AUTHORIZED OFFICIALS AND LAW ENFORCEMENT OFFICERS MAY INSPECT OR TAKE FUEL SAMPLES FROM TANKS AND EQUIPMENT USED IN CONNECTION WITH DYED DIESEL FUEL, AND TO PROVIDE A CIVIL PENALTY.

**HOUSE BILL NO. 9**  
**BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO MOTOR FUELS TAX AND TRANSFER FEE ON BIODIESEL; AMENDING SECTION 41-4903, IDAHO CODE, TO REVISE THE DEFINITION OF LICENSED DISTRIBUTOR; AMENDING SECTION 63-2421, IDAHO CODE, TO CLARIFY THAT A PERSON ACTING AS A DISTRIBUTOR WHO ONLY PRODUCES FIVE THOUSAND GALLONS OR LESS OF BIODIESEL IN A CALENDAR YEAR IS SUBJECT TO THE MOTOR FUEL USE TAX ON CONSUMERS; AND AMENDING SECTION 63-2427A, IDAHO CODE, TO EXCLUDE FROM THE REQUIREMENT TO OBTAIN A MOTOR FUEL DISTRIBUTOR'S LICENSE A PERSON ACTING AS A DISTRIBUTOR WHO ONLY PRODUCES FIVE THOUSAND GALLONS OR LESS OF BIODIESEL IN A CALENDAR YEAR.

**HOUSE BILL NO. 10**  
**BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO SALES AND USE TAX ON AIRPLANES; AMENDING SECTION 63-3621, IDAHO CODE, TO EXEMPT FROM SALES AND USE TAX CERTAIN PERSONALLY OWNED AIRCRAFT ACQUIRED OUT OF STATE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 63-3622GG, IDAHO CODE, TO LIMIT THE SALES AND USE TAX EXEMPTION FOR AIRCRAFT USED TO

PROVIDE PASSENGER OR FREIGHT SERVICES FOR HIRE SUBJECT TO SPECIFIED QUALIFICATIONS.

**HOUSE BILL NO. 11**  
**BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO FILING TAX RETURNS ELECTRONICALLY; AMENDING SECTION 63-2406, IDAHO CODE, TO PROVIDE THAT THE STATE TAX COMMISSION MAY BY RULE REQUIRE ANY MOTOR FUELS DISTRIBUTOR REPORTING AT LEAST TWENTY-FIVE RECEIPTS OR DISBURSEMENTS OF MOTOR FUEL DURING THE PERIOD TO WHICH THE RETURN RELATES, TO TRANSMIT RETURNS ELECTRONICALLY AND TO PROVIDE REQUIREMENTS OF THE RULES; AND AMENDING SECTION 63-3037, IDAHO CODE, TO PROVIDE THAT THE STATE TAX COMMISSION MAY BY RULE REQUIRE THAT INCOME TAXPAYERS WHO FILE AT LEAST TWO HUNDRED FIFTY INFORMATION RETURNS, TO TRANSMIT RETURNS ELECTRONICALLY AND TO PROVIDE REQUIREMENTS OF THE RULES.

**HOUSE BILL NO. 12**  
**BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO TAXES ON BEER AND WINE; AMENDING SECTION 23-1047, IDAHO CODE, TO STRIKE OBSOLETE LANGUAGE AND TO ALLOW THE STATE TAX COMMISSION TO PROMULGATE RULES AUTHORIZING PAYMENT OF BEER TAXES BY RETURN FOR A PERIOD OTHER THAN MONTHLY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 23-1322, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO ALLOW THE STATE TAX COMMISSION TO PROMULGATE RULES AUTHORIZING PAYMENT OF WINE TAXES BY RETURN FOR PERIODS OTHER THAN MONTHLY.

[H 6](#), [H 7](#), [H 8](#), [H 9](#), [H 10](#), [H 11](#), and [H 12](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, January 22, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:16 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk